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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAYPAL SINGH,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-71914

Agency No. A72-687-366

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 26, 2008^{**}

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Jaypal Singh, a native and citizen of India, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal proceedings pending the adjudication of his U Visa application. We grant the petition for review and remand.

At the time of its order, the BIA did not have the benefit of regulatory guidance regarding U Visas or of our decision in *Ramirez Sanchez v. Mukasey*, 508 F.3d 1254 (9th Cir. 2007). The regulations make clear that the BIA has the authority to continue proceedings at the request of a petitioner who has applied for a U Visa or to terminate proceedings without prejudice at the joint request of the petitioner and Immigration and Customs Enforcement. *See* 8 C.F.R. § 214.14(c)(1)(i); *see also* 72 Fed.Reg. 53022 n.10 (“While this rule specifically addresses joint motions to terminate, it does not preclude the parties from requesting a continuance of the proceedings.”); 8 C.F.R. § 214.14(c)(1)(ii) (providing that a U Visa petitioner who is subject to a final removal order may request a stay of removal). We remand to the BIA to consider Singh’s request for reopening in light of the new U Visa regulations as a request for a continuance, or to consider any joint motion for a stay or termination. On remand, Singh may submit to the BIA any additional evidence that he may have with respect to his application for a U Visa.

PETITION FOR REVIEW GRANTED; REMANDED.